

NOV 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Wenda C. Carlyle

Group Art Unit: 3738

Appln. No.: 09/014,087

Filed : January 27, 1998

Examiner:

For : BIOPROSTHESES WITH ASSOCIATED
GROWTH FACTORS

Paul B. Prebilic

Docket No.: S16.12-0062

CERTIFICATION OF TELEFACSIMILE TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

571-273-8300

Sir:

I certify that the following papers are being telefacsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

1. Notice of Appeal
2. Charge Authorization Form PTO-2038

WESTMAN, CHAMPLIN & KELLY, P.A.

Date: November 16, 2005

By:

Hallie A. FinucaneHallie A. Finucane, Reg. No. 33,172
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

HAF:lms

5 PAGES - INCLUDING COVER PAGE

NOV 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Wenda C. Carlyle

Appln. No.: 09/014,087

Group Art Unit: 3738

Filed : January 27, 1998

For : PROSTHESES WITH ASSOCIATED
GROWTH FACTORS

Examiner:

Paul B. Prebilio

Docket No.: S16.12-0062

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

11/17/2005 TL0111 00000034 09014087

01 FC:1401
02 FC:1252
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450500.00-OP
450.00 OPI HEREBY CERTIFY THAT THIS PAPER IS
BEING TRANSMITTED VIA FACSIMILE, 571-
273-8300, TO THE COMMISSIONER FOR
PATENTS THIS

16 DAY OF November 20 05.

Hallie A. Finucane
PATENT ATTORNEY

Sir:

Applicant appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed June 16, 2005, finally rejecting claims 1, 2, 4-11, 14, 15 and 21-28.

FEE STATUS

[] Small entity status under 37 C.F.R. §§ 1.9 and 1.27 is established by a verified statement previously filed on ---.

FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b) the fee for filing the Notice of Appeal is:

[X] other than a small entity	\$500.00
[] small entity	\$250.00

EXTENSION OF TIME

These proceedings are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) [X] Applicant petitions for an extension of time under 37 C.F.R. § 1.17(a)-(d) for the total number of months

-2-

checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
[] one month	\$ 120.00	\$ 60.00
[X] two months	\$ 450.00	\$225.00
[] three months	\$1,020.00	\$510.00
[] four months	\$1,590.00	\$795.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[X] An extension for one month has already been secured and the fee paid therefor of \$120.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$330.00

or

(b) [] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	<u>\$500.00</u>
Extension fee (if any)	<u>\$330.00</u>
Total Fee Due	<u>\$830.00</u>

FEE PAYMENT

[X] Charge Authorization Form PTO-2038 for the amount of **\$830.00** is attached.

[] Charge Deposit Account No. 23-1123, the sum of \$_____.

-3-

The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Hallie A. Finucane
Hallie A. Finucane, Reg. No. 33,172
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

HAF:lms